

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

Telephone: (916) 445-0633



December 10, 1981

ALL-COUNTY LETTER NO. 81-123

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DISABLED UNION v. WOODS

On October 13, 1981, the Superior Court of Los Angeles County issued a preliminary injunction in the above-named matter regarding implementation of IHSS provisions of SB 633. The petitioners and the respondents worked with the Court to determine how to implement the requirements of the preliminary injunction. The Court issued an order modifying the preliminary injunction on December 7, 1981. This letter will direct you regarding hearing procedures and aid paid pending. Further instructions will be issued regarding the issuance of new notices.

1. NON-SEVERE IMPAIRMENT CASES

- A. Immediately grant aid pending the state hearing from the effective date of the county's original "SB 633" action in all cases contesting the "SB 633" action taken by the county. This directive applies even if the hearing request would otherwise have been untimely for entitlement to aid paid pending.
 - 1) For cases that have been heard and not yet adopted, the county and claimant will be contacted by the Office of the Chief Referee for issuance of aid pending. Individual aid pending decisions will be sent to the counties to ensure payment of aid pending from the effective date of the county's original "SB 633" action until notice from the Hearing Officer or Department indicating aid paid pending should cease.
 - 2) For cases that have not yet been heard, individual aid pending decisions will be sent to the counties to ensure payment of aid pending from the effective date of the county's original "SB 633" action, at least until the hearing. At the hearing the Hearing Officer will issue an aid pending decisions regarding whether payment of aid pending should continue after

the hearing. This procedure supersedes prior instructions from the Office of the Chief Referee which initiated aid pending as of October 23, 1981.

2. SEVERE IMPAIRMENT CASES

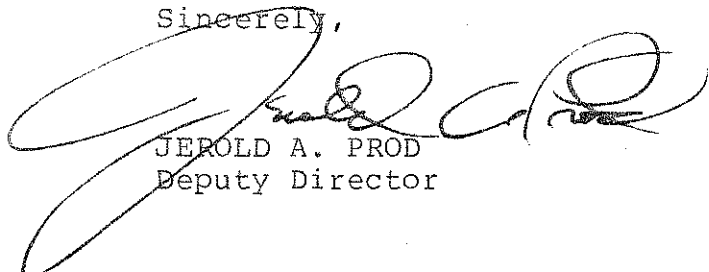
- A. For cases contesting SB 633 actions in which hearing requests have been withdrawn, the Office of Chief Referee will contact the counties to determine if the action has been rescinded and services have been restored to the effective date of the county's original "SB 633" action. In those cases in which the action has not been rescinded and services have not been restored to the effective date of action, the withdrawal will be vacated and a new hearing will be scheduled. Individual aid pending decisions will be sent to the counties ordering payment of aid pending from the effective date of the county's original "SB 633" action until the new hearing. It is anticipated, however, that new hearings will not be necessary if the county rescinds the action and restores services from the effective date of action and obtains a new withdrawal. If a hearing is necessary, the Hearing Officer will issue an aid pending decision ordering that aid pending continue after the hearing.
- B. For cases contesting SB 633 actions in which hearing requests have not been withdrawn, hearings will be scheduled. Procedures for these cases shall be the same as vacated withdrawals. (See 2A)

3. ALL CASES

For all "SB 633" cases that have been adopted as of the date of this letter, the Department will be contacting the counties to arrange for further proceedings and payment of aid paid pending, where appropriate, consistent with the preliminary injunction.

Please note the above instructions concern hearing requests which have been already filed based on the original county "SB 633" notice. If you have any questions, please contact Carol Davis or Jane Foley at (916) 323-3401.

Sincerely,



JEROLD A. PROD
Deputy Director